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FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				LE, MICHAEL
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/027,194	KII ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHAEL LE	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 May 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-9,26 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-9,26 and 32-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/15/09</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Summary and Status of Claims***

1. This Office Action is in response to Applicant's reply filed May 15, 2009.
2. Claims 32-35 are newly added.
3. Claims 1, 2, 4-9, 26, and 32-35 are pending.
4. Claims 1, 2, 4-9, 26, 32, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collart et al. (US Patent 6,405,203) of record, in view of Akiyama et al. (US Patent 5,805,699) of record.
5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collart, in view of Akiyama, further in view of Sako et al. (US Patent 6,134,201).
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

7. **Claims 1, 2, 4-9, 26, 32, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collart et al. (US Patent 6,405,203) (Collart) of record, in view of Akiyama et al. (US Patent 5,805,699) (Akiyama) of record.**

8. In regards to **claim 1**, Collart discloses a service offering system from a server to a terminal device (Collart at fig. 5, elements 550 (server) and 510 (client)), comprising:
  - a. recording means for recording a unique identifier to each of a plurality of storage media issued (Collart at col. 5, lines 65-7; col. 6, lines 1-10)<sup>1</sup>;

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<sup>1</sup> Burst Cut Area (BCA) is interpreted as the unique identifier.

- b. a database for storing and managing the identifiers (Collart at col. 7, lines 6-8);
- c. reading means for reading the recorded identifier from one of the storage media at the terminal device (Collart at col. 14, lines 1-4);
- d. checking means for checking the identifier read by the reading means against the identifiers managed in the database (Collart at col. 14, lines 6-9); and
- e. service offering means for offering a service to the terminal device corresponding to the storage medium identified by the checked identifier depending on a result of the check by the checking means. Collart at col. 14, lines 39-50.

9. Collart does not expressly disclose wherein the recording means records to each of the storage media right information which denotes services available to each of the storage media identified by the identifiers together with the identifiers.

10. Akiyama discloses storing software identifiers (i.e., rights information) associated with the storage medium identifier on the medium. Upon using the medium, the software identifiers and medium identifier is sent to a central site to be verified against a database. Akiyama at col. 4, lines 43-67; col. 5, lines 1-28.

11. Collart and Akiyama are analogous art because they are both directed toward the same field of endeavor of electronic storage media.

12. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Collart by adding the feature of recording to each of the storage media right information which denotes services available to each of the storage media identified by the identifiers together with the identifiers, as taught by Akiyama.

13. The motivation for doing so would have been because it allows for greater control over the data that is stored on the discs and the rights the consumer has to the data.

14. In regards to **claim 2**, Collart in view of Akiyama discloses the service offering system according to claim 1, wherein the database stores, in correspondence with the identifiers, the right information. Collart at col. 14, lines 18-24, 46-50; col. 19, lines 28-40, 60-7<sup>2</sup>.

15. In regards to **claim 4**, Collart in view of Akiyama discloses the service offering system according to claim 1, wherein the service offering means offers the service to the storage medium in accordance with the right information. Collart at col. 14, lines 18-24, 46-50; col. 19, lines 28-40, 60-7.

16. In regards to **claim 5**, Collart in view of Akiyama discloses the service offering system according to claim 1, further comprising content data storage means for storing a plurality of content data items (Collart at col. 19, lines 30-9); wherein the service offering means allows relevant content data to be downloaded from the content data storing means to the storage medium. Collart at col. 22, lines 13-5.

17. In regards to **claim 6**, Collart in view of Akiyama discloses the service offering system according to claim 1, wherein the service offering means allows relevant content data to be updated from the storage medium. Collart at col. 20, lines 66-7; col. 21, lines 1-4<sup>3</sup>.

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<sup>2</sup> The cited portions describe indications that the BCA number (i.e., unique identifier) read at the client is looked up in the database of the server. Upon doing so, the server determines what content or services can be distributed to the user based on the BCA number. Therefore, it seems implicit that the information corresponding the BCA number to the content or services (i.e., right information) is also stored in the database.

<sup>3</sup> Data from the DVD is taken and sent to the server to be logged into the database (i.e., update from the storage medium).

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18. In regards to **claim 7**, Collart discloses a service offering system from a server to a terminal device (Collart at fig. 5, elements 550 (server) and 510 (client)), comprising:

- a. storage medium issuing means comprising recording means for recording a unique identifier to each of a plurality of package storage media issued (Collart at col. 5, lines 65-7; col. 6, lines 1-10)<sup>4</sup>;
- b. a management server comprising a database for storing and managing the identifiers recorded to the package storage media (Collart at col. 7, lines 6-8);
- c. the terminal device comprising reading means for reading the recorded identifier from any of the package storage media (Collart at col. 14, lines 1-4);
- d. checking means for checking the identifier read by the terminal device against the identifiers managed in the database (Collart at col. 14, lines 6-9); and
- e. a service provider comprising service offering means for offering a service to the terminal device corresponding to the package storage media depending on a result of the check by the checking means. Collart at col. 14, lines 39-50.

19. Collart does not expressly disclose wherein the recording means records to each of the storage media right information which denotes services available to each of the storage media identified by the identifiers together with the identifiers.

20. Akiyama discloses storing software identifiers (i.e., rights information) associated with the storage medium identifier on the medium. Upon using the medium, the software identifiers and medium identifier is sent to a central site to be verified against a database. Akiyama at col. 4, lines 43-67; col. 5, lines 1-28.

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<sup>4</sup> Burst Cut Area (BCA) is interpreted as the unique identifier.

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21. Collart and Akiyama are analogous art because they are both directed toward the same field of endeavor of electronic storage media.

22. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Collart by adding the feature of recording to each of the storage media right information which denotes services available to each of the storage media identified by the identifiers together with the identifiers, as taught by Akiyama.

23. The motivation for doing so would have been because it allows for greater control over the data that is stored on the discs and the rights the consumer has to the data.

24. In regards to **claim 8**, Collart discloses a service offering system from a server to a terminal device (Collart at fig. 5, elements 550 (server) and 510 (client)), comprising:

- a. storage medium issuing means comprising recording means for recording a unique identifier to each of a plurality of package storage media issued (Collart at col. 5, lines 65-7; col. 6, lines 1-10)<sup>5</sup>;
- b. the server comprising a database which stores the identifiers (Collart at col. 7, lines 6-8) and retains, in correspondence with the identifiers, right information which denotes services available to the package storage media identified by the identifiers (Collart at col. 14, lines 18-24, 46-50; col. 19, lines 28-40, 60-7)<sup>6</sup>;
- c. the terminal device comprising reading means for reading the recorded identifiers from any of said package storage media (Collart at col. 14, lines 1-4); and

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<sup>5</sup> Burst Cut Area (BCA) is interpreted as the unique identifier.

<sup>6</sup> The cited portions describe indications that the BCA number (i.e., unique identifier) read at the client is looked up in the database of the server. Upon doing so, the server determines what content or services can be distributed to the

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d. a service provider comprising service offering means for offering a service to the terminal device corresponding to the package storage media depending on a result of checking the identifier in question against the identifiers managed in the database and according to the right information stored in the database in correspondence with the checked identifier. Collart at col. 14, lines 39-50.

25. Collart does not expressly disclose wherein the recording means records to each of the storage media right information.

26. Akiyama discloses storing software identifiers (i.e., rights information) associated with the storage medium identifier on the medium. Upon using the medium, the software identifiers and medium identifier is sent to a central site to be verified against a database. Akiyama at col. 4, lines 43-67; col. 5, lines 1-28.

27. Collart and Akiyama are analogous art because they are both directed toward the same field of endeavor of electronic storage media.

28. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Collart by adding the feature of recording to each of the storage media right information, as taught by Akiyama.

29. The motivation for doing so would have been because it allows for greater control over the data that is stored on the discs and the rights the consumer has to the data.

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30. In regards to **claim 9**, Collart discloses a service offering system according to claim 8, wherein the service provider comprises content data storing means for storing a plurality of content data items (Collart at col. 19, lines 30-9);

- a. wherein the service offering means comprises judging means for judging whether the download authorization bit indicates permission to download (Collart at col. 22, lines 10-5)<sup>7</sup>, the service offering means further reading relevant content data from the content data storing means and transferring the content data to the terminal device in accordance with the judgment made by the judging means (Collart at col. 22, lines 15-23)<sup>8</sup>; and
- b. wherein the terminal device receives the transferred content data and records the received data to the storage medium. Collart at col. 22, lines 13-5.

31. In regards to **claim 26**, Collart discloses a service offering method for offering a service form a server to a terminal device (Collart at fig. 5, elements 550 (server) and 510 (client)), the method comprising the steps of:

- a. recording a unique identifier to each of a plurality of package storage media issued (Collart at col. 5, lines 65-7; col. 6, lines 1-10)<sup>9</sup>;
- b. storing the identifiers into a database (Collart at col. 7, lines 6-8);
- c. reading the recorded identifier from any of the package storage media at the terminal device (Collart at col. 7, lines 47-52; col. 14, lines 1-4);

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<sup>7</sup> The BCA number is used to look up the retailer, which in turn is used to look up available downloads. This "lookup" is interpreted as a judging means because if there is no match for the BCA number, then the user does not have permission to download.

<sup>8</sup> If the lookup of the BCA is successful, the download information is sent to the user (i.e., transferring content data to said terminal device in accordance with the judgment).

<sup>9</sup> Burst Cut Area (BCA) is interpreted as the unique identifier.

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- d. checking the identifier read from the package storage medium against the identifiers stored in the database (Collart at col. 14, lines 6-8); and
- e. offering a service to the terminal device corresponding to the package storage medium. Collart at col. 14, lines 39-50<sup>10</sup>.

32. Collart does not expressly disclose recording to each of the storage media right information which denotes services available to each of the storage media identified by the identifiers together with the identifiers.

33. Akiyama discloses storing software identifiers (i.e., rights information) associated with the storage medium identifier on the medium. Upon using the medium, the software identifiers and medium identifier is sent to a central site to be verified against a database. Akiyama at col. 4, lines 43-67; col. 5, lines 1-28.

34. Collart and Akiyama are analogous art because they are both directed toward the same field of endeavor of electronic storage media.

35. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Collart by adding the feature of recording to each of the storage media right information which denotes services available to each of the storage media identified by the identifiers together with the identifiers, as taught by Akiyama.

36. The motivation for doing so would have been because it allows for greater control over the data that is stored on the discs and the rights the consumer has to the data.

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<sup>10</sup> The web server acts upon the posted information (the BCA number) and sends a unique URL to the user (i.e., offering a service).

37. In regards to **claim 32**, Collart in view of Akiyama discloses the service offering system according to claim 1, wherein the right information comprises a download authorization bit and an upload authorization bit. Collart at Figs. 2 and 4; col. 15, lines 14-37.

38. In regards to **claim 33**, Collart in view of Akiyama discloses the service offering system according to claim 32, wherein the right information further comprises a URL for gaining access to a website, wherein the download bit indicates a first right to receive a content download service from the website, and wherein the upload bit indicates a second right to get a content upload service. Collart at Figs. 2 and 4; col. 15, lines 14-37; col. 20, lines 37-67; col. 21, lines 1-15.

39. In regards to **claim 35**, Collart in view of Akiyama discloses the service offering system according to claim 1, wherein the storage medium stores a replay program for replaying content data downloaded onto the storage medium. Collart at col. 40, lines 10-13; col. 41, line 13-5.

40. **Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collart, in view of Akiyama, further in view of Sako et al. (US Patent 6,134,201) (Sako).**

41. In regards to **claim 34**, Collart in view of Akiyama does not expressly disclose wherein the recording means records the unique identifier and the right information on a radially inner side of the storage medium, and wherein the content data is stored on a radially outer side of the storage medium.

42. Sako discloses an optical disc having a data structure comprising a lead-in region located next to the central opening where an encoder ID can be recorded, and a data region further outward from the central opening. Sako at col. 5, lines 43-54.

43. Collart, Akiyama and Sako are analogous art because they are all directed toward the same field of endeavor of data recording.

44. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Collart and Akiyama by having the recording means record the unique identifier and the right information on a radially inner side of the storage medium, and wherein the content data is stored on a radially outer side of the storage medium, as taught by Sako.

45. The motivation for doing so would have been because an optical disc reader reads optical discs starting at the inner most region next to the central opening and moves outward. Having the identifier of the medium recorded to the inner most region would enable the reader to identify the medium immediately.

### *Response to Arguments*

#### **Rejection of claims 1, 2, 4-9, and 26 under 35 U.S.C. 103(a)**

46. Applicant's arguments in regards to the rejections to claims 1, 2, 4-9, and 26 under 35 U.S.C. 103(a), have been fully considered but they are not persuasive. Applicant alleges that Collart in view of Akiyama fails to disclose the recording means recited in claim 1. In particular, Applicant alleges the cited prior art fails to disclose (1) "recording means for recording a unique identifier to each of a plurality of storage media", (2) "wherein the recording means records to each of the storage media right information which denotes services available to each of the storage media identified by the identifiers together with the identifiers" and (3) "wherein the right information comprises a download authorization bit and an upload authorization bit" (Remarks at 8.) The Examiner respectfully disagrees.

47. Applicant argues that the cited prior art fails to disclose limitations (1) to (3) above because Akiyama allegedly fails to disclose recording right information which denotes services available to each of the storage media with the identifiers (Remarks at 10.) On the contrary, Akiyama discloses recording right information which denotes services available to a storage media with the identifier. As acknowledged by Applicant, Akiyama discloses storing (i.e., recording) a storage medium identifier (i.e., identifier) on the magneto-optical (MO) disc. Akiyama at col. 4, lines 53-4. Akiyama further discloses recording a certificate code, received from a central licensing management site, to the MO disc. Akiyama at col. 4, lines 63-4. The certificate code denotes services available to the MO disc (i.e., storage media) because it indicates whether or not software can be copied from a CD-ROM to the MO disc. Akiyama at col. 5, lines 3-14. For at least these reasons, Akiyama discloses recording right information which denotes services available to a storage media with the identifier. Moreover, for these same reasons, the cited prior art discloses limitations (1) and (2).

48. In regards to limitation (3), Collart in view of Akiyama discloses the right information that includes information of what content a user can receive from a server and authorization to allow a user to send information to the server. Collart at Figs. 2 and 4; col. 15, lines 14-37. Information of what content a user can receive is interpreted as the download authorization bit and authorization to allow a user to send information to the server is interpreted as the upload authorization bit. For at least these reasons, Collar in view of Akiyama discloses limitation (3).

49. For the reasons discussed above, the cited prior art discloses limitations (1) to (3).

50. Consequently, the rejection to claims 1, 2, 4-9, and 26 under 35 U.S.C. 103(a) is maintained.

***Conclusion***

51. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
52. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
53. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Le whose telephone number is 571-272-7970. The examiner can normally be reached on Mon-Thurs : 9:30am-6pm, Fri: 8am-4:30pm.
54. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
55. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hung T Vy/

Primary Examiner, Art Unit 2163

/Michael Le/

Examiner, Art Unit 2163